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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,821	11/21/2003	L. Scott Bloebaum	M-15051-1D US	1343
32605	7590	09/08/2006		
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE, SUITE 226 SAN JOSE, CA 95110			EXAMINER HAROON, ADEEL	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,821	Applicant(s) BLOEBAUM ET AL.	
	Examiner Adeel Haroon	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17, 20, 21, 34-37, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 20-21, 34-37, and 40-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 7/5/06.

Claims 14-17, 20-21, 34-37, and 40-41 are still pending.

Response to Arguments

2. Applicant's arguments filed 7/5/06 have been fully considered but they are not persuasive.

The applicant argues that Syrjarinne et al. do not determine the GPS frequency but instead determine the GPS time. The examiner respectfully disagrees with this interpretation. Syrjarinne et al. disclose element "GPS local clock/oscillator 18", which shows that element number 18 is both a GPS local clock and oscillator. Since frequency is the just the inverse of time, time determination and frequency determination are technically equivalent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-17, 20-21, 34-37, and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Syrjarinne et al. (U.S. 6,925,292).

With respect to claim 14, Syrjarinne et al. disclose a method for determining an operating frequency of an oscillator based on a reference signal from a reliable time base in figure 2 (Abstract). Syrjarinne et al. disclose detecting a beginning time point of the reference signal received by the communication device and enabling a counter to count in accordance with a clock signal derived from an oscillator (Column 8, lines 16-21). Syrjarinne et al. also disclose detecting an ending point of the reference signal and disabling the counter to stop the counter (Column 8, lines 28-35). Syrjarinne et al. further disclose determining the frequency of the oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point (Column 8, lines 38-58).

With respect to claim 15, since the reference signal is known signal, the beginning and ending time point represent a known duration of time.

With respect to claim 16, Syrjarinne et al. teach that the beginning time point and the ending time point represent arrivals of recurring events in the reference signal, the recurring events recurs at a fixed frequency (Column 8, lines 15-17).

With respect to claim 17, Syrjarinne et al. teach adjusting for processing times in the communication device for detecting the beginning time point and the ending time point (Column 8, lines 38-58).

With respect to claims 20 and 21, Syrjarinne et al. teach that the frequency of the oscillator is provided to a GPS receiver (Column 8, lines 38-58).

With respect to claim 34, Syrjarinne et al. disclose an oscillator frequency determining apparatus in a communication device (Abstract). Syrjarinne et al. disclose an oscillator, element number 18, providing a periodic output signal (Column 8, lines 39-41). Syrjarinne et al. also disclose a receiver, element number 11, receiving a reference signal from a reliable time base (Column 8, lines 16-21). Syrjarinne et al. teach a detector detecting a beginning time point and an ending time point of the reference signal received by the communication device and a counter that begins counting the number of periods in the output signal of the oscillator in response to the detector detecting the beginning time point and stops counter in response to the detector detecting the ending time point of the reference signal (Column 8, lines 28-35). Syrjarinne et al. further disclose an arithmetic unit for determining the frequency of the

oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point (Column 8, lines 38-58).

With respect to claim 35, since the reference signal is known signal, the beginning and ending time point represent a known duration of time.

With respect to claim 36, Syrjarinne et al. teach that the beginning time point and the ending time point represent arrivals of recurring events in the reference signal, the recurring events recurs at a fixed frequency (Column 8, lines 15-17).

With respect to claim 37, Syrjarinne et al. teach adjusting for processing times in the communication device for detecting the beginning time point and the ending time point (Column 8, lines 38-58).

With respect to claims 40 and 41, Syrjarinne et al. teach that the frequency of the oscillator is provided to a GPS receiver (Column 8, lines 38-58).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH
8/30/06


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600